

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

DANIEL W. McELROY,  
AIMEE J. KING McELROY.

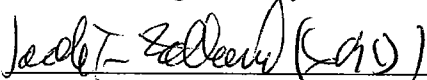
CASE NO. 05-10019-RGS

**RESPONSE OF DEFENDANTS, DANIEL W. MCELROY AND  
AIMEE J. KING MCELROY, TO THE COURT ORDER REGARDING  
THE CONSENT JUDGMENT**

Defendants, Daniel W. McElroy and Aimee J. King McElroy appreciate the efforts of the Court to alleviate the severe prejudice caused by Exhibit 3 and move that the Court adopt the additional corrected changes suggested below:

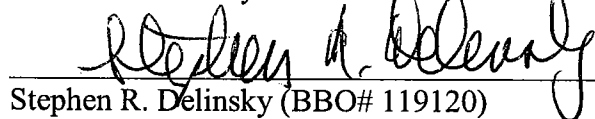
Since paying employees in cash is not a violation of the Fair Labor Standards Act, the language on page one of the judgment after the word "from" should be stricken and the following words inserted, "paying any employees by means of cash payments, but shall make all payments by check or other paper instrument." With this correction all of the operative language is on one page and will not lead to undue speculation by the jury. Further, the signatures should be positioned at the top of page two in order to create a unified document.

Respectfully submitted,  
By Her Attorney,  
Aimee J. King McElroy



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Respectfully submitted,  
By His Attorney,  
Daniel W. McElroy



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DATED: January 24, 2008

{K0361519.1}

**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on 1-24-08

By: 